for the specified cotton. The exchange house surrendered the bill of lading to the drawee bank and obtained its acceptance. The bill of lading was forged. The acceptor paid the ultimate holder of the draft, and debited the buyer of the cotton. *Held*, the buyer can not recover the amount of the draft from the exchange house. *Guaranty Trust Co.* v. *Hannay & Co.*, [1918] 2 K. B. 623 (C. A.). See NOTES, page 560.

CARRIERS — BILLS OF LADING — FORGERY OF AN INTERSTATE BILL OF LADING AS A FEDERAL CRIME. — Defendant was indicted for forging an interstate bill of lading, an act made criminal by section 41 of the Pomerene Act of 1916. *Held*, that as such a bill is void, it does not affect interstate commerce, and hence section 41 is unconstitutional. *United States* v. *Ferger*, So. Dist. Ohio, October, 1918.

For a discussion of this case, see NOTES, page 557.

CONFLICT OF LAWS — ADMIRALTY — MARITIME LIEN — FOREIGN LAW. — Two foreign vessels collided in an Algerian port. Thereupon the master of one of the vessels brought an action *in personam* in the Algerian court against the master of the other. No maritime lien was given by the local law, but an attachment of the vessel, there known as a "protective seizure," followed. Upon giving a letter of indemnity the vessel was released and then came to the United States where she was libeled by the plaintiff in the foreign action which had not proceeded to trial or judgment, but was still pending. *Held*, that the libellant had a maritime lien under the general maritime law of the United States, enforceable by a proceeding *in rem*. *The Kongsli*, 252 Fed. 267 (Dist. Ct., Dist. Me.).

As a result of the collision the *lex loci* gave a cause of action, but did not create a maritime lien. In such a case admiralty may take jurisdiction between foreigners to enforce a maritime lien, given by the general maritime law, even though none was given where the cause of action arose. *The Kaiser Wilhelm II*, 230 Fed. 717. See *The Maggie Hammond*, 9 Wall. (U. S.) 435, 450, 452. If jurisdiction depends on a maritime lien, it is difficult to see how the court, in the principal case, had jurisdiction, as the *lex loci* of the collision did not give such a lien. However, there being a cause of action, and the vessel being within the jurisdiction of the court, it seems that the court could give a maritime lien, recognized by its law, as a means of enforcing the cause of action, one of the remedies of its judicial proceeding. See MARSDEN, COLLISIONS AT SEA, 6 ed., 198. And as the jurisdiction was *in rem*, the pendency of the action *in personam* in the foreign country would not be a bar to the present action. *The Kalorma*, 10 Wall. (U. S.) 204; *The Bold Buccleugh*, 7 Moore (Privy Council), 267.

CONFLICT OF LAWS — DIVORCE — REMARRIAGE WITHIN PROHIBITED TIME — PROPERTY RIGHTS. — A statute in Washington prohibits remarriage by either party within six months of a decree of divorce. (1915, REM. CODE, 419, § 992.) The plaintiff and her husband were divorced in Washington. Two months later, the plaintiff, in company with the defendant, a resident of Washington, went to Canada where the two were married. They immediately returned to their domicile in Washington believing in good faith that the marriage was valid. The plaintiff brings suit for annulment and for a division of the property acquired subsequent to the marriage. *Held*, the marriage was void, the property to be divided as that of a partnership. *Knoll* v. *Knoll*, 176 Pac. 22 (Wash.).

It is well settled that the validity of a marriage contract depends upon the law of the place of celebration. *Henderson* v. *Ressor*, 265 Mo. 718, 178 S. W. 175; *Dalrymple* v. *Dalrymple*, 2 Hagg. Cons. 54. See 1 NELSON, DIVORCE AND SEPARATION, § 33. But although the contract by the *lex loci contractus* is

valid, the *lex domicilii* may refuse to impose thereon the resulting status of marriage. *Hall* v. *Industrial Commission*, 165 Wis. 364, 162 N. W. 312; *Brook* v. *Brook*, 9 H. of L. Cas. 193. See 26 HARV. L. REV. 538. Construing the statute in the principal case as a limitation upon the decree of divorce, the original marriage was not completely dissolved until the specified time had elapsed. Accordingly, although the marriage contract was valid by the *lex loci*, the *lex domicilii* could not impose thereon the marriage status. *Warter* v. *Warter*, 15 P. D. 152. *Cf. Hooper* v. *Hooper*, 67 Ore. 191, 135 Pac. 525. The Washington decisions, however, construe the statute as applying only to persons who remain domiciled in the state, so that either party could remarry during the prohibited period by acquiring a new domicile. *State* v. *Fenn*, 47 Wash. 561, 92 Pac. 417; *Pierce* v. *Pierce*, 58 Wash. 622, 109 Pac. 45. As to property acquired after marriage by the husband or wife, or both, Washington, following the civil-law doctrine, considers such to be community property. See 1915, REM. CODE, 2155, § 5917. Even where the marriage is annulled, yet if the parties in good faith believed they were married, as in the principal case, the community doctrine permits the acquests to be divided equally between the man and woman. *Lawson* v. *Lawson*, 30 Tex. Civ. App. 43, 69 S. W. 246; *In re Brenchley's Estate*, 96 Wash. 223, 164 Pac. 913. It is unfortunate, however, to call this property "partnership" property, for that term implies not a marital relation but a business relation entered into for profit. See LINDLEY, PARTNERSHIP, 6 ed., 3, 10; BALLINGER, COMMUNITY PROPERTY, §§ 15, 16.

FEDERAL COURTS — DIVERSITY OF CITIZENSHIP — DOMICILE AS THE EQUIVALENT OF STATE CITIZENSHIP. — The plaintiff, a citizen of the United States, had acquired a domicile in California. He left that state never intending to return, and toured the United States. In the course of his travels he came temporarily to Virginia. He there sued the defendant in a federal court, claiming citizenship in California. *Held*, that the bill be dismissed for want of jurisdiction. *Pannill* v. *Roanoke Times Co.*, 252 Fed. 910 (Dist. Ct.).

To sue in a federal court the plaintiff must be a citizen of some state. *New Orleans* v. *Winter*, 1 Wheat. (U. S.) 91. A citizen of the United States is a citizen of the state wherein he resides. U. S. CONST., Art. XIV, § 1. But the residence must be *animo manendi*. *Marks* v. *Marks*, 75 Fed. 321; *Hammerstein* v. *Lyne*, 200 Fed. 165. As in the principal case a person may thus be a citizen of the United States and not a citizen of any particular state. *Hough* v. *Société Elec. Westinghouse de Russie*, 231 Fed. 341. See *Slaughter House Cases*, 16 Wall. (U. S.) 36, 74. This fact is also illustrated by the status of citizens of territories and of the District of Columbia. *Hepburn* v. *Ellzey*, 2 Cranch (U. S.) 452; *New Orleans* v. *Winter*, *supra*. The courts requiring a residence *animo manendi* for citizenship also say domicile in a state is the substantial equivalent of citizenship in that state. See *Harding* v. *Standard Oil Co.*, 182 Fed. 421, 423; *Hammerstein* v. *Lyne*, 200 Fed. 165, 170. Now one's last domicile remains until a new one is acquired. *Desmare* v. *United States*, 93 U. S. 605. It might seem to follow that one remains a citizen of the state of his domicile even when he leaves it *sans animum revertendi*, so long as he has not acquired a new domicile. But the court in the present case correctly sees that such a result would be utterly inconsistent with the settled view that state citizenship requires permanent residence.

GARNISHMENT — EFFECT OF GARNISHMENT — VALIDITY OF JUDGMENT AGAINST GARNISHEE WHEN PRINCIPAL DEFENDANT IS GIVEN NO NOTICE. — In an action in Tennessee to recover wages, the defendant proved as a defense a judgment obtained against it as garnishee in a proceeding in Virginia. In the garnishment proceeding no service, actual or constructive, was made on